

1 KURT C. FAUX, Esq.  
2 Nevada Bar No. 003407  
3 WILLI H. SIEPMANN, Esq.  
4 Nevada Bar No. 002478  
5 **THE FAUX LAW GROUP**  
6 1540 W. Warm Springs Road, #100  
7 Henderson, Nevada 89014  
8 Telephone: (702) 458-5790  
9 Facsimile: (702) 458-5794  
10 E-Mail: kfaux@fauxlaw.com  
11 wsiepmann@fauxlaw.com

12 ALAN J. LEFEBVRE, Esq.  
13 Nevada Bar No. 000848  
14 WILLIAM D. SCHULLER, Esq.  
15 Nevada Bar No. 011271  
16 COLBY L. BALKENBUSH, Esq.  
17 Nevada Bar No. 013066  
18 **KOLESAR & LEATHAM**  
19 400 South Rampart Boulevard, Suite 400  
20 Las Vegas, Nevada 89145  
21 Telephone: (702) 362-7800  
22 Facsimile: (702) 362-9472  
23 E-Mail: alefebvre@klnevada.com  
24 wschuller@klnevada.com  
25 cbalkenbush@klnevada.com

26 Attorneys for Plaintiff,  
27 FIDELITY AND DEPOSIT COMPANY OF  
28 MARYLAND

17  
18 **UNITED STATES DISTRICT COURT**  
19  
20 **DISTRICT OF NEVADA**

21 FIDELITY AND DEPOSIT COMPANY OF  
22 MARYLAND, a Maryland corporation,

23 Plaintiff,

24 vs.

25 BIG TOWN MECHANICAL, LLC, a Nevada  
26 limited liability company; TRAVELERS  
27 CASUALTY AND SURETY COMPANY OF  
28 AMERICA, a Connecticut corporation; DOES I  
through X; and ROE CORPORATIONS I-X;  
inclusive,

27 Defendants.

28 CASE NO.: 2:13-cv-00380-JAD-GWF

**STIPULATION RE: MOTION FOR  
SANCTIONS FOR SPOILATION OF  
EVIDENCE**

**Hearing Date: May 22, 2017  
Hearing Time: 9:30 AM**

1 TRAVELERS CASUALTY AND SURETY  
2 COMPANY OF AMERICA, a Connecticut  
3 corporation,

4 Counterclaimant,

5 vs.

6 FIDELITY AND DEPOSIT COMPANY OF  
7 MARYLAND, a Maryland corporation, and  
8 MOES I-X, inclusive,

9 Counter-Defendants.

10 FIDELITY AND DEPOSIT COMPANY OF  
11 MARYLAND, a Maryland corporation,

12 Third-Party Plaintiff,

13 vs.

14 CONTROLCO, a California corporation; DOES  
15 I through X; and ROE CORPORATION I-X,  
16 inclusive,

17 Third-Party Defendant.

18 Plaintiff/Counter-Defendant, FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
19 (“F&D”), and Defendant, Defendant/Counterclaimant, TRAVELERS CASUALTY AND  
20 SURETY COMPANY OF AMERICA (“Travelers”), by and through their respective counsel,  
21 hereby stipulate and agree as follows:

22 1. F&D filed its Motion for Sanctions for Spoliation of Evidence [Doc. 172] on  
23 April 17, 2017.

24 2. Travelers filed Defendant/Counterclaimant Travelers Casualty and Surety  
25 Company of America’s Opposition to Plaintiff/Counterdefendant Fidelity and Deposit Company  
26 of Maryland’s Motion for Sanctions for Spoliation of Evidence [Doc. 204] on May 1, 2017.

27 3. The deadline for F&D’s reply to its Motion for Sanctions for Spoliation of  
28 Evidence is currently May 8, 2017.

29 4. F&D shall have until **May 10, 2017** to file its reply.

30 ///

5. Pursuant to LR 7-1(c), as the instant stipulation is signed by fewer than all the parties' attorneys, the Court will treat it as a joint motion.

DATED this 8<sup>th</sup> day of May, 2017.

DATED this 8<sup>th</sup> day of May, 2017.

## KOLESAR & LEATHAM

## BOOTH, MITCHEL & STRANGE LLP

By /s/ William D. Schuller, Esq.

By /s/ Gregory H. Smith, Esq.

ALAN J. LEFEBVRE, ESQ.  
Nevada Bar No. 000848  
WILLIAM D. SCHULLER, ESQ.  
Nevada Bar No. 011271  
COLBY L. BALKENBUSH, ESQ.  
Nevada Bar No. 013066  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145

DAVID L. HUGHES, Esq.  
GREGORY H. SMITH, Esq.  
701 South Parker Street, Suite 6500  
Orange, CA 92868-4733

Attorneys for Defendant,  
TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA

Attorneys for Plaintiff,  
FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND

## **ORDER**

IT IS SO ORDERED this 9th day of May, 2017.

George Foley, Jr.  
UNITED STATES MAGISTRATE JUDGE